question arose as to the truth of the articles. The Supreme Court in the course of their opinion pointed out that the statements were objectionable only because they purported to state the amount of the offers of settlement — that this would not have been admissible in evidence at the trial, and so the natural and probable effect of it was to influence the court and jury improperly in the determination of the amount of damages in the cause. There can be no question of the correctness of the decision, but it is novel and interesting because of the emphasis which is put upon the fact that the offers of compromise which were reported would have been inadmissible as evidence. It is perhaps idle to expect — though not too much to require — that the paper which undertakes to deal with legal matters will make itself acquainted with the general rules of evidence. The case is a sign-post of real value.

CRIMINAL NEGLIGENCE. — The fatalities among infants caused by the vagaries of the sect known as the Peculiar People, a species of Christian Scientists, raise an interesting point in criminal law. At the trial on November 12 last of two of their number for the manslaughter of their infant child, *Regina* v. *Felton*, noted in The Law Journal, Nov. 19, 1898, it appeared that, though the child was ailing from its birth, its parents merely anointed it with oil in the name of the Lord. The post-mortem showed that the summons of a physician would have saved the infant's life. Mr. Justice Hawkins ruled that, if the defendants acted in the honest belief that they were doing their duty, they were not guilty of manslaughter. And so the jury found. The question whether the criminal law should accept the standard of the man of ordinary prudence, adopted on the civil side in cases of negligence, was squarely raised.

Negligence is one way of supplying a sufficient criminal intent to make a criminal act punishable. It is, then, of the first importance that some test be found by which the conduct of each defendant may be measured. There seem two possible rules. The first, which is the doctrine of the English cases, sets up what might be termed an internal standard. A man is judged by the actual condition of his mind as regards consequences — if he does not do his best according to his own lights, he is criminally negligent. *Regina* v. *Wagstaffe*, 10 Cox C. C. 530. A more recent English decision, while recognizing a common law immunity, was driven to a different result by 31 & 32 Vict. c. 122, § 37, which made it an offence for a parent wilfully to neglect to provide adequate medical aid for a child under fourteen years in his custody. *Regina* v. *Downes*, 13 Cox C. C. 111. A breach of this duty imposed by law, in itself a crime, supplied all the elements of manslaughter when it led directly to the death of a human being. The repeal of this statute by 52 & 53 Vict. c. 44, § 18, later consolidated with amendments in 57 & 58 Vict. c. 41, cleared the way for the direct application of common law principles to the present case. It is interesting to note that, since Mr. Justice Hawkins' ruling, section 1 of the latter statute has been so construed by the Court for Crown Cases Reserved as to restore the statutory law to the condition in which *Regina* v. *Downes* found it. *Regina* v. *Senior*, reported in The Law Journal, Dec. 17, 1898. But, apart from statute, the internal standard of guilt is the one adopted at common law by the English courts.

The other rule by which a defendant may be judged is that employed

in cases of civil liability. A dictum in *Commonwealth* v. *Pierce*, 138 Mass. 165, urges that the conduct of a reasonably prudent man under like circumstances — an external standard — should be the test in criminal cases as well. The way seems clear to choose between these opposing views. It is essential in every common law crime that a *mens rea*, an evil state of mind, concur with a criminal act. To adopt the standard of the community as a measure of guilt would result in the conviction of many who believed they were doing their duty. However conscientious the purpose of an ignorant man, he would be punished merely because he was unfortunate enough to be lacking in ordinary prudence. No one who exercises his best judgment is a fit subject for indictment.

THE OWNERSHIP OF LAKE MICHIGAN. — The rule of the English common law, which gave to the riparian owners the soil beneath non-tidal rivers and all inland waters seemed scarcely applicable to the immense lakes of this country. And in regard to the rights of littoral owners on these inland seas, there has grown up a confused mass of law which is largely the result of local usage — in some jurisdictions the submerged soil goes entirely to the shore owner; in some his property reaches to low water; in others only to high water. The Illinois courts have declared that the soil beneath Lake Michigan belongs to the State — just as at common law the soil of the sea belongs to the crown — and the land of the littoral owner is bounded by high water. The United States Supreme Court in the case of *The Illinois Central Railroad Co.* v. *Illinois*, 146 U. S. 387, attempted to fasten an exception on this strict rule. That case seemed to declare — practically without authority — that the littoral owner had a right to wharf out into Lake Michigan for the purpose of navigation.

In the recent case of *Revell* v. *The People*, Chicago Legal News, Dec. 31, 1898, page 157, another analogous claim was made that a littoral owner had a right to build out piers into the lake to prevent the gradual erosion of his land. The Supreme Court of Illinois, however, denied the existence of such a right. They considered the Illinois Central case as discredited in *Shively* v. *Bowlby*, 152 U. S. 1, and refused flatly to follow it, laying down again the original rule that the State was the absolute owner of the submerged land. The adherence to the strict doctrine seems sound. It gives a definite and intelligible doctrine not likely to be the subject of litigation. It is a hardship that the shore owner may not wharf out to protect himself or to make his land valuable for shipping, especially as the damage from such acts is usually infinitesimal; on the other hand, it is clearly public policy that the State maintain final control of all public waters, and that its ownership be unhampered. The difficulties the question presents are legislative or executive rather than legal, to be met by a temperate administration of the absolute power, with discreet connivance at minor encroachments and a willingness to grant wharfing privileges, rather than by an intricate system of rights.

A CITIZEN'S PRIVILEGES AND IMMUNITIES. — The Federal Supreme Court has lately held invalid a clause of the Tennessee statute providing rules for the incorporation and regulation of certain foreign corporations. The objectionable clause made the property which the corporation held within the State primarily liable for debts due to residents of Tennessee.